

AMENDED IN ASSEMBLY JULY 6, 2003

AMENDED IN SENATE APRIL 8, 2003

AMENDED IN SENATE MARCH 25, 2003

**SENATE BILL**

**No. 200**

**Introduced by Senator Murray**

February 13, 2003

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An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as amended, Murray. Long-term care insurance: genetic testing.

Existing law provides for the regulation of long-term care insurance by the Insurance Commissioner and the assessment of administrative penalties for the violation of these provisions.

This bill would prohibit, until January 1, 2008, a long-term care insurer from requiring testing for the presence of a genetic characteristic for insurability or underwriting purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 10233.1 is added to the Insurance Code,  
2 to read:  
3 10233.1. (a) On or after January 1, 2004, no long-term care  
4 insurer may require testing of an applicant on a voluntary or  
5 involuntary basis for the presence of a genetic characteristic for

1 underwriting purposes or for the purpose of determining  
2 insurability.

3 (b) For the purposes of this section, a “genetic characteristic”  
4 means any scientifically or medically identifiable gene or  
5 chromosome, or alteration thereof, that is known to be a cause of  
6 a disease or disorder, or that is determined to be associated with a  
7 statistically increased risk of development of a disease or disorder,  
8 and that is presently not associated with any symptoms of any  
9 disease or disorder.

10 (c) For the purposes of this section, “testing for the presence of  
11 a genetic characteristic” means a laboratory test that is generally  
12 accepted in the scientific and medical communities for the  
13 determination of the presence or absence of a genetic  
14 characteristic.

15 (d) *Nothing in this section shall prevent a long-term care*  
16 *insurer from conducting routine clinical physical examinations*  
17 *such as chemical, blood, or urine analyses, tests for unlawful drug*  
18 *use, or tests related to an existing disease, disorder, or*  
19 *pathological condition if these examinations are not used to*  
20 *conduct genetic testing.*

21 (e) This section shall remain in effect only until January 1,  
22 2008, and as of that date is repealed, unless a later enacted statute,  
23 that is enacted before January 1, 2008, deletes or extends that date.

